



AUGUST 2001

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/920,785	08/01/2001	Paul K. Nakane	266/106

## CONFIRMATION NO. 5161

22249  
LYON & LYON LLP  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071

## FORMALITIES LETTER



\*OC00000006523674\*

Date Mailed: 09/07/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

12/05/2001 SDEMB0B1 00000078 09920785

01 FC:205

65.00 OP



12/04/01

#3

Sector 18

Patent  
Attorney Docket: 266/106

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

)

Group Art Unit: 1645

Inventor: Paul K. Nakane

)

Examiner: Not Yet Assigned

Serial No.: 09/920,785

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)

Filed: August 1, 2001

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For: RAPID ANTIBIOTIC SUSCEPTIBILITY  
TEST

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## TRANSMITTAL OF MISSING PARTS

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

## I. DOCUMENTS ENCLOSED:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR § 1.53(f)**, which was mailed by the Patent Office on September 7, 2001, enclosed are:

Declaration

Power of Attorney:  Separate or  Combined with Declaration

Assignment and PTO Form 1595 of the invention to Microcide Pharmaceuticals, Inc. filed under separate cover. Copy enclosed.

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CERTIFICATE OF MAILING  
(37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

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EL846342025US

Express Mail Label No.

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October 24, 2001

Date of Deposit

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Leizel M. Galon

Name of Person Mailing Paper

---

  
Signature of Person Mailing Paper

Patent  
Attorney Docket: 266/106

**IV. METHOD OF PAYMENT OF FEES:**

- A check in the amount of \$65.00 is enclosed to cover the above fee(s).
- Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of \_\_\_\_\_.
- The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Respectfully submitted,

LYON & LYON LLP



By:

Bernard F. Rose  
Reg. No. 42,112



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600

A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)

**II. REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/>	one month	\$55.00
<input type="checkbox"/>	two months	\$200.00
<input type="checkbox"/>	three months	\$460.00
<input type="checkbox"/>	four months	\$720.00
<input type="checkbox"/>	five months	\$980.00

**Fee**

If any extension fee is required, please consider this a petition therefor.

**III. FILING FEES**

Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE:						
Total Claims	-	20	=	0	x	\$18.00
Independent Claims	-	3	=	0	x	\$84.00
Multiple Dependent Claims	\$280	(if applicable)		<input type="checkbox"/>		\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)		<input checked="" type="checkbox"/>		\$130.00
TOTAL OF ABOVE CALCULATIONS						\$130.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.				<input checked="" type="checkbox"/>		\$65.00
Extension of Time (from above)						\$0.00
Assignment - \$40 (if applicable)				<input type="checkbox"/>		\$0.00
TOTAL FEES SUBMITTED HEREWITH						\$65.00